

<b>IN THE MATTER OF:</b>	)	
	)	<b>Case No. <u>2005 IECDB 14</u></b>
<b>IOWA RESPITE &amp; CRISIS</b>	)	
<b>CARE COALITION,</b>	)	
<b>An Executive Branch Lobbyist Client,</b>	)	
<b>JAY BREWER,</b>	)	<b>PRESIDING OFFICER'S PROPOSED</b>
<b>As Executive Director &amp; Lobbyist,</b>	)	<b>DECISION and ORDER</b>
<b><u>RESPONDENTS.</u></b>	)	

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A hearing in the above captioned was held on February 1, 2006. Iowa Ethics and Campaign Disclosure Board (Board) Legal Counsel, Charles Smithson, appeared by telephone. Jay Brewer, Executive Director of the Iowa Respite & Crisis Care Coalition (IRCCC) also appeared by telephone. Board Chairman James Albert presided. The IRCCC, through Mr. Brewer, was appealing the Board's previous denial of waiver of a \$25 civil penalty for failing to timely file a July 31, 2005, executive branch lobbyist client report.

At the hearing, Mr. Brewer acknowledged the report in question was not filed until August 9, 2005. Therefore, the fact that the Iowa Respite & Crisis Care Coalition committed a violation of Iowa Code section 68B.38 is undisputed.

Mr. Brewer was then given the opportunity to present any facts or arguments that he believed were "mitigating circumstances that prevented the timely filing" of the report as set out in Board rule 351—8.12. Mr. Brewer responded by stating that the purpose of the Iowa Ethics and Campaign Disclosure Board was to protect the public interest and he did not see how imposing a penalty for a late-filed report by a small non-profit organization was protecting the public interest.

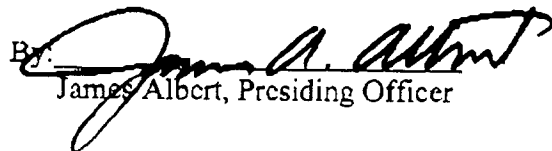
The undersigned finds the following conclusions of law:

1. There was a violation of Iowa Code section 68A.38 and therefore the imposition of the \$25 penalty pursuant to Board rule 351—8.11(2) was properly assessed.

2. Iowa Code section 68B.38, which advances what the Iowa legislature has determined to be the public interest in lobbying disclosure does not exempt smaller non-profit organizations that choose to lobby from filing reports with the Board disclosing their activities.

3. Mr. Brewer's rationale did not constitute "mitigating circumstances that prevented the timely filing" of the report as required by Board rule 351—8.12.

Therefore, IT IS SO ORDERED pending final approval by the Iowa Ethics and Campaign Disclosure Board that the appeal is denied and the \$25 civil penalty assessed to the Iowa Respite & Crisis Care Coalition be upheld.

By:   
James Albert, Presiding Officer

Dated this 7 day of March, 2006.

Pursuant to rule 351—11.26(1), within 14 days after the issuance of this proposed decision either party may serve a statement of exceptions with the proposed decision together with a brief and arguments. An exception shall be served by delivery of the original and five copies of each document to the Board office.